



NATIONAL MEDIATION BOARD
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Re: NMB Case No. R-6922
United Parcel Service Company

Gentlemen:

This determination addresses the November 25, 2002, Motion for Reconsideration filed by United Parcel Service Company (UPS or Carrier). UPS seeks reconsideration of the National Mediation Board's (Board) November 21, 2002, decision finding that Manual Editors (Editors) and ATA Manual Specialists

(ATA Specialists) are part of the Mechanics and Related Employees craft or class. *United Parcel Serv. Co.*, 30 NMB 84 (2002).

The International Brotherhood of Teamsters (IBT or Organization) filed its opposition to the Motion for Reconsideration on December 2, 2002. For the reasons discussed below, the Board finds that UPS' motion fails to state sufficient grounds to grant the relief requested.

I.

CONTENTIONS

UPS

UPS argues that the Board should reconsider its ruling that UPS' Editors and ATA Specialists are part of the Mechanics and Related Employees craft or class, and dismiss the IBT's application. UPS argues that the Board's investigation in this case and its current accretion procedure is "statutorily deficient." Furthermore, UPS contends, this violation of the Railway Labor Act (RLA) requires the Board to set aside its prior decision in this case.

UPS also contends that the Board overlooked critical facts regarding work-related community of interest. Finally, the Carrier asserts that Editors and ATA Specialists do not perform maintenance-related work and the Board "misapplied its own precedent" with such a finding.

IBT

The IBT asserts that UPS' Motion for Reconsideration is merely a reassertion of factual and legal arguments previously presented and should be denied. In addition, the IBT argues, the Board's accretion process does not violate the RLA. Finally, the IBT argues that the Board did not overlook any material facts in determining that Editors and ATA Specialists share a work-

related community of interest with the Mechanics and Related Employees craft or class.

II.

DISCUSSION

A. Motion for Reconsideration

The Board's Representation Manual (Manual) Section 11.0 states:

Any motions for Reconsideration of Board determinations must be received by the Chief of Staff within two (2) business days of the decision's date of issuance. An original and one (1) copy of the motion must be filed with the Chief of Staff. The motion must comply with the NMB's simultaneous service requirements of Manual Section 1.201. The motion must state the points of law or fact which the participant believes the NMB has overlooked or misapplied and the grounds for the relief sought. Absent a demonstration of material error of law or fact or circumstances in which the NMB's exercise of discretion to modify the decision is important to the public interest, the NMB will not grant the relief sought. The mere reassertion of factual and legal arguments previously presented to the NMB is insufficient to obtain relief.

The Board finds that UPS has stated sufficient grounds to grant reconsideration.

B. Decision on Reconsideration

The Board only grants relief on Motions for Reconsideration in limited circumstances,

The Board recognizes the vital importance of the consistency and stability of the law as embodied in . . . NMB determinations Accordingly, the Board does not intend to reverse prior decisions on reconsideration except in the extraordinary circumstances where, in its view, the prior decision is fundamentally inconsistent with the proper execution of the NMB's responsibilities under the Railway Labor Act.

Virgin Atlantic Airways, 21 NMB 183, 186 (1994).

The Carrier reasserts its argument from the initial investigation that the Board's accretion procedures violate the RLA. As the Board stated in *United Parcel Serv., above*, "the Board has broad discretion to determine the manner in which it conducts investigations in representation disputes." See *Railway Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965). Furthermore, the Court held that in determining choice of employee representative, the RLA "leaves the details to the broad discretion of the Board with only the caveat that it 'insure' freedom from carrier interference." *Id.* at 669.

In its motion, UPS alleges that the Board overlooked critical facts when determining that Editors and ATA Specialists share a work-related community of interest with the Mechanics and Related Employees craft or class. The Carrier argues that Editors and ATA Specialists work with engineers everyday, but not with Mechanics and Related Employees and the Editors and ATA Specialists work in the Air Group Building located 10 miles from the airport. The Carrier also submitted these facts in its initial filings. The Board considered this information and found that Editors and ATA Specialists are part of the Mechanics and Related Employees craft or class. Furthermore, the Board has

found that “work location is not a determinant of craft or class.” See *Aloha Islandair, Inc.*, 21 NMB 314 (1994); *Aerotal Airlines*, 10 NMB 226 (1983).

Finally, UPS alleges that the Board found UPS’ Editors and ATA Specialists to be part of the Mechanics and Related Employees craft or class based on job titles. The Board examines the actual duties and responsibilities of employees, not merely job titles when determining whether there is a work-related community of interest. *Northwest Airlines, Inc.*, 30 NMB 47 (2002); *National Airlines, Inc.*, 27 NMB 550 (2000); *American Airlines, Inc.*, 26 NMB 106 (1998). As the Board stated in *United Parcel Serv. Co.*, 30 NMB 84 (2002), the duties of UPS’ Editors and ATA Specialists as outlined in the Carrier’s Procedures Manual are very similar to those performed by Program Specialists in *US Airways, Inc.*, 28 NMB 104 (2000) (Program Specialists share a work-related community of interest with the Mechanics and Related Employees craft or class). Furthermore, the Board found that Mechanics and Related Employees rely on the technical publications, revised and maintained by the Editors, to perform aircraft maintenance. *United Parcel Serv., above.*

UPS has failed to show that the prior decision is fundamentally inconsistent with the proper execution of the Board’s responsibilities under the RLA. Therefore, the relief requested is denied. *Terminal RR Ass’n of St. Louis*, 28 NMB 269 (2001); *Virgin Atlantic Airways, above.*

CONCLUSION

The Board has reviewed UPS' and the IBT's submissions. UPS has failed to demonstrate a material error of law or fact or circumstances in which the Board's exercise of discretion to modify the decision is important to the public interests. The Carrier merely reasserts arguments made in previous submissions. Therefore, any relief upon reconsideration is denied.

By direction of the NATIONAL MEDIATION BOARD.

Benetta M. Mansfield

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